

09-1180

DAC#



639321.0005 (MIII-03)

PATENT

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: LINDBO ) Art Unit: RECEIVED  
Serial No.: 09/445,845 ) Examiner: SEP 18 2000  
Filing Date: December 14, 1999 ) OFFICE OF PETITIONS  
Title: INTERNET CACHING SYSTEM AND A METHOD  
AND AN ARRANGEMENT IN SUCH A SYSTEM

Assistant Commissioner for Patents  
Washington, DC 20231

**RECEIVED**

11 OCT 2000

Legal Staff  
International Division

**CERTIFICATE OF EXPRESS MAILING**

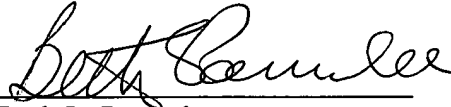
I hereby certify that this correspondence includes the following:

- Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor Pursuant to 37 C.F.R. §1.47(b);
- Check No. 117069 for \$130.00;
- Statement under 37 C.F.R. §373(b) Establishing Proprietary Interest by Person Signing on Behalf of Nonsigning Inventor;
- Combined Declaration Under 37 C.F.R. §1.63 and Oath/Power of Attorney; and
- Return post card,

and certify that this correspondence is being deposited with the United States Postal Service "Express Mail to Addressee" Service under C.F.R. §1.10 on the date shown below with sufficient postage, and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

**Date of Deposit: September 8, 2000**

**Express Mailing Label No. EL246473121US.**

  
Beth L. Parmelee

*Leontire & Shub*  
*Attorneys at Law*

RECEIVED

SEP 18 2000

OFFICE OF PETITIONS

MARK G. SHUB  
DIRECT DIAL: (617) 367-0311  
mshub@leontireandshub.com

66 LONG WHARF  
BOSTON, MA 02110-3805  
TEL: (617) 367-0333  
FAX: (617) 367-5722



March 22, 2000

VIA FAX: (203) 708-4534

Theresa D. Recupido, Esq.  
Cummings and Lockwood  
4 Stamford Plaza  
PO Box 120  
Stamford, CT 06904-0120

RE: Declaration, Power of Attorney and Petition

Dear Ms. Recupido:

Please be advised that this office represents Sverker Lindbo. Mr. Lindbo contacted me regarding a Declaration, Power of Attorney and Petition that you recently sent to him. You have supplied no information as to who you represent or why you are requesting that Mr. Lindbo execute these documents. Without further information regarding this matter, Mr. Lindbo will not sign any of these documents.

You may contact this office if there are any further questions in this matter.

Very truly yours,

Mark G. Shub

MGS/ss

cc: Sverker Lindbo (via e-mail)

Express Mail Label No. EL246473121US

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

)

RECEIVED

)

SEP 18 2000

)

OFFICE OF PETITIONS

Title: **INTERNET CACHING SYSTEM AND A METHOD  
AND AN ARRANGEMENT IN SUCH A SYSTEM**

RECEIVED

Commissioner for Patents  
Washington, DC 20231

11 OCT 2000

**Legal Staff  
International Division**

**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF  
OF NONSIGNING INVENTOR PURSUANT TO 37 C.F.R. §1.47(b)**

Dear Sir:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning sole inventor for the above-identified patent application after deposit thereof in the Patent and Trademark Office. Because the sole inventor, Mr. Lindbo, would not sign, the signing on behalf of the nonsigning inventor is by an entity showing a sufficient proprietary interest. This statement also recites facts as to why this action was necessary to preserve the rights of the parties and to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited herein.

The last known address of the inventor, Sverker Lindbo, is 40 Elm Street, Wellesley, Massachusetts 02481.

Our bona fide attempt at acquiring the inventor's signature consisted of providing Mr. Lindbo, the inventor, with a copy of the application and associated Oath/Declaration.

**CERTIFICATE OF MAILING/TRANSMISSION**

• I hereby certify that this correspondence, is, on the date shown below, being:

## MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231.
- ☒ deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

EXPRESS MAIL #EL246473121US

09-16-2000 BALANCE 00000047 180238 02445045  
09-17-2000 00.00 00 180.00 32

**FACSIMILE**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

**DATE:** September 8, 2000

**Beth L. Parmelee**

VOID date: 09/13/2000 CREDITEN  
09/13/2000 CREDITEN 00000067  
01 55-123 0945845  
-120.00.00

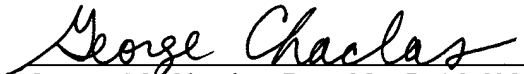
05/12/2009 09:45:45  
05/12/2009 09:45:45  
05/12/2009 09:45:45

We received no response from Mr. Lindbo. Mr. Lindbo expressly refused to sign in writing as evidenced by the attached letter from his lawyer Mark Shub dated March 22, 2000. Further, we requested Timo Aittola, who has a personal and professional relationship with Mr. Lindbo, additionally request signature by Mr. Lindbo. At such time, Mr. Lindbo corresponded with me directly via e-mail. The attached e-mail dated May 5, 2000, from Mr. Lindbo to myself, demonstrates his refusal to sign. To summarize Mr. Lindbo's point of view, he feels Mirror Image Internet, Inc, has breached their employment arrangement, therefore Mirror Image Internet, Inc. is not the rightful owner under such circumstances. As a result, Mr. Lindbo feels compelled to refuse signature of any legal documents.

A check for \$130.00 to cover the fee under 37 C.F.R. § 1.17(i) is enclosed. The Commissioner is authorized to charge any additional fees associated with the submission of these formal papers to Deposit Account No. 11-0231. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,

Dated: September 8, 2000

  
George N. Chaclas, Reg. No. P-46,608  
Attorney for Applicant  
CUMMINGS & LOCKWOOD  
Four Stamford Plaza  
P.O. Box 120  
Stamford, CT 06902  
(203) 351-4103

.StmLib1:825790.1 09/08/00

The PTO did not receive the following  
listed item(s) a check for \$130.00  
but we got a check for \$110.00

**George Chaclas - Patent paperwork**

---

**From:** Sverker Lindbo <slindbo@itechventures.com>  
**To:** <gchacl@cl-law.com>  
**Date:** 5/5/00 5:22 PM  
**Subject:** Patent paperwork  
**CC:** <santullo@mirror-image.com>

---

Dear Mr Chaclas,

Some days ago I did receive two batches of patent documentation for my signature. I immediately sent an e-mail to mr Aittola to enquire whether he was ready to honor the agreements whereby the patents were originally acquired from the previous owner, Mirror Image Internet AB, and a subsequent agreement regarding our participation in procuring the signature of one of the co-inventors.

It is my understanding that Mr Aittola was not ready to honor those agreements, which in my view, puts the entire ownership of the patents into question. I therefore sent the following message to Mr Aittola earlier today.

I trust you will do what it takes from your end to ensure that no intellectual property value is being irrevocably lost while this matter is being resolved. I am ready to cooperate with any acceptable escrow agent, should that be the preferred option.

Yours sincerely,

Sverker Lindbo

PS to Mr Santullo,

I hate to make the first contact between us in this fashion, but I do believe that the patent issue has been grossly mismanaged by Mr Aittola and Cummins and Lockwood, and I fear that important deadlines may be missed. As the innovator, I would hate to see that happen. My fiduciary duty as a board member of Parfi Holding AB, which is a major shareholder of Mirror Image Internet Inc, however precludes me from just signing these documents until the ownership and payment issues are fully resolved. Should you wish to talk to me about this or any other issue regarding Mirror Image and its ownership, please call me at any time, preferably on my cellphone (listed below)

Dear Mr Aittola,

I understand from the correspondence you have sent me that you do not appear to be intending to honor the agreements whereby the patents were acquired from Mirror Image Internet AB. Additionally you do not appear to be intending to honor the subsequent agreements under which, among other things, I personally helped you procure the signature of my friend Peter Löthberg.

If the above is truly your position, Parfi Holding AB or Drax Holding AB whichever party is better positioned, will see no other option, than to challenge your ownership of the patents in the Swedish legal system. Until such matter is resolved, I will not sign any documents in favor of Mirror Image Internet Inc, in relation to these patents.

Should there be instances where my signature is required to prevent irrevocable loss of any intellectual property value, I propose the you have the patents transferred to an escrow agent, acceptable to both parties. I will be willing to sign all relevant documents in favor of such an escrow agent.

Should you want to settle this issue quickly, I propose that you contact Mr Hane. He is currently on business in London but will be back in the office on Monday. He can also be reached today on the cellphone of Mr Anders Janson, +46 705 63 02 90

Best regards,

Sverker Lindbo

\*\*\*\*\*

Sverker

Lindbo

President

<mailto:slindbo@itechventures.com>

<http://www.itechventures.com>

Internet Technology Ventures, LLC

70 Walnut Street, Wellesley, MA 02481-2175

phone: (781) 239-8132

fax: (603)971 9365

US cellular: (781) 608-9677

5625

US

GSM mobile: +4670 886

Swedish

fax: +468 5981 8523

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: LINDBO

Serial No.: 09/445,845

Filing Date: December 14, 1999

Title: **INTERNET CACHING SYSTEM AND A METHOD  
AND AN ARRANGEMENT IN SUCH A SYSTEM**

Art Unit:

Examiner:

RECEIVED

SEP 18 2000

OFFICE OF PETITIONS

Commissioner for Patents  
Washington, DC 20231**STATEMENT UNDER 37 C.F.R. §373(b) ESTABLISHING PROPRIETARY  
INTEREST BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR**

Dear Sir:

I, Timo Aittola, residing at 244 Shelter Rock Road, Stamford, Connecticut, 06903, am the person signing the declaration on the above-identified application on behalf of the nonsigning inventor and make this statement as to the facts establishing my proprietary interest. The above-identified application was described and claimed in PCT Application No. PCT/US99/21248 which was based upon Swedish Patent Application No. 9803246-9.

As of the date I signed the Combined Declaration under 37 C.F.R. §1.63 and OATH/Power of Attorney for this application, the proprietary interest in this invention belonged to the following entity:

Mirror Image Internet Inc.  
49 Dragon Court  
Woburn, MA 01801

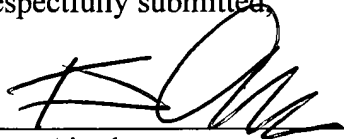
As Chief Financial Officer of Mirror Image Internet Inc., I am authorized to sign the statement on behalf of Mirror Image Internet Inc.

I establish the proprietary interest by attaching a copy of the assignment of this invention from the nonsigning inventor, Mr. Lindbo, to Mirror Image Internet Inc., the assignee.

In accordance with 37 CFR 3.73(b), the assignee hereby states that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Respectfully submitted,

Dated: 09/01/00



Timo Aittola  
Chief Financial Officer  
Mirror Image Internet Inc.  
49 Dragon Court  
Woburn, MA 01801

.StmLib1:825794.1 08/07/00



## ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, I/we the undersigned,

Sverker Lindbo, 40 Elm Street, Wellesley, Massachusetts 02481, USA

(hereinafter, "Assignor"), who, have created a certain invention for which an application for Letters Patent entitled:

AN INTERNET CACHING SYSTEM AND A METHOD  
AND AN ARRANGEMENT IN SUCH A SYSTEM

for which the application for Swedish Letters Patent Application No. 9803246-9 has been filed on September 24, 1998.

Do hereby sell, assign and transfer to:

Mirror Image Internet, Inc., 18 Commerce Way, Suite 4800,  
Woburn, Massachusetts 01801, USA

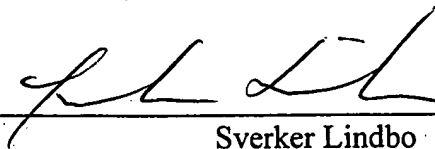
(hereinafter, "Assignee"), its successors, assigns, and legal representatives, the full and exclusive right to said invention and said application and to any and all inventions described in said application for the United States, its territorial possessions and all foreign countries, and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States, its territorial possessions and all foreign countries; and in and to any and all continuations-in-part, continuations, divisions, substitutes, reissues, extensions thereof, and all other applications for Letters Patent relating thereto which have been or shall be filed in the United States, its territorial possessions and/or any foreign countries, and all rights, together with all priority rights, under any of the international conventions, unions, agreements, acts, and treaties, including all future conventions, unions, agreements, acts, and treaties;

We authorize Assignee to apply for and receive Letters Patent for such protection in its own name, in the United States, its territorial possessions, and all foreign countries; and that, when requested to carry out in good faith the intent and purpose of this assignment, at the expense of said Assignee, but without charge to Assignee, its successors, assigns and legal representatives, the undersigned will execute all continuations-in-part, continuations, divisions, substitutes, reissues, and extensions thereof, execute all rightful oaths, assignments, powers of attorney and other papers, testify in any legal or quasi legal proceedings; communicate to said Assignee, its successors, assigns, and legal representatives all facts known to the undersigned relating to said invention and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or legal representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said invention and for vesting title to said invention and all applications for patents on said invention in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

IN TESTIMONY WHEREOF, we have hereunto set our signatures below.

Signature of Assignor: \_\_\_\_\_

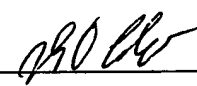
  
Sverker Lindbo

NOTORIAL CERTIFICATE

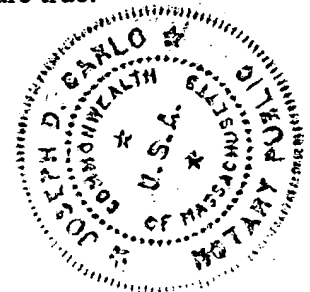
State of Massachusetts County of Norfolk

On this 9th day of November, 1999, personally appeared Sverker Lindbo, to me known, the assignor above named, and executed the foregoing Assignment and who, having been duly sworn, stated that any representations therein contained are true.

Notary Public \_\_\_\_\_

  
Joseph D. Carlo, Notary Public  
My Commission Expires May 1, 2003

SEAL



Signature of Assignee: \_\_\_\_\_

  
Timo Aittola

NOTORIAL CERTIFICATE

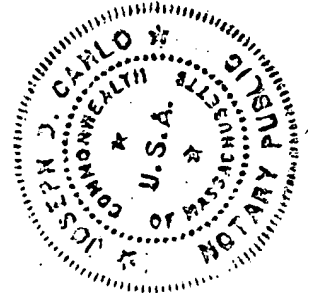
State of Massachusetts County of Norfolk

On this 9th day of November, 1999, personally appeared Timo Aittola, to me known and known to me to be Treasurer of Mirror Image Internet, Inc., the assignee above named, and acknowledged that he executed the foregoing Assignment on behalf of said assignee and pursuant to authority duly received, and who, having been duly sworn, stated that any representations therein contained are true.

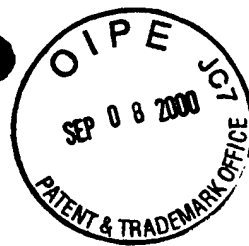
Notary Public \_\_\_\_\_

  
Joseph D. Carlo, Notary Public  
My Commission Expires May 1, 2003

SEAL



639321.0005 (MIII-103)



PATENT

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: LINDBO

) Art Unit:

RECEIVED

Serial No.: 09/445,845

) Examiner:

SEP 18 2000

Filing Date: December 14, 1999

)

OFFICE OF PETITIONS

Title: **INTERNET CACHING SYSTEM AND A MEHTOD  
AND AN ARRANGEMENT IN SUCH A SYSTEM**

Commissioner for Patents  
Washington, DC 20231

**COMBINED DECLARATION UNDER 37 C.F.R. §1.63  
AND OATH/POWER OF ATTORNEY**

Dear Sir:

I, Timo Aittola, hereby declare that Mirror Image Internet, Inc., is a company incorporated under the laws of the State of Delaware, with an office at 49 Dragon Court, Woburn, Massachusetts 01801. As Chief Financial Officer of Mirror Image Internet Inc., I am an authorized representative of Mirror Image Internet, Inc., which company has sufficient proprietary interest to act as an agent, pursuant to 37 C.F.R. §1.47(b), on behalf of Mr. Lindbo, a nonsigning inventor, who refuses to sign a Declaration/Power of Attorney in the above-identified patent application.

By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent for Sverker Lindbo, who, as inventor, has refused to sign the Declaration/Power of Attorney. Sverker Lindbo is a Swedish citizen, whose last known address is 40 Elm Street, Wellesley, Massachusetts 02481. Upon information and belief, I aver that the inventor is required to execute the Declaration under 37 CFR 1.64(b). My signing is necessary on behalf of Mr. Lindbo to prevent abandonment of the application and the loss of rights associated therewith.

Accompanying this combined declaration, to establish the proof of pertinent facts and to show that such action is necessary to preserve the rights of the parties and to prevent irreparable damage, is a Statement of Facts in Support of Filing on Behalf of

Nonsigning Inventor Pursuant to 37 C.F.R. §1.47(b), a Statement under 37 C.F.R. §373(b) Establishing Proprietary Interest by Person Signing on Behalf of a Nonsigning Inventor and a check for \$130.00 to cover the petition fee under 37 C.F.R. §1.17(i).

Further, I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as filed and as amended by the preliminary amendment filed with the specification, and that it contains a full, clear, concise and exact description of the subject matter for which a patent is sought.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. §119 of Swedish Patent Application No. 9803246-9 filed September 24, 1998, which was the basis for PCT Application No. PCT/US99/21248 of which the subject application is a national phase application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

Mark Giarratana, Reg. No. 32,615  
James W. Jakobsen, Reg. No. 38,505  
Barry Kramer, Reg. No. 20,622  
George N. Chaclas Reg. No. P-46,608  
David W. Poirier, Reg. No. 43,007  
Robert Rispoli, Reg. No. 43,884

Steven J. Moore, Reg. No. 35,959  
Basam E. Nabulsi, Reg. No. 31,645  
R. Thomas Payne, Reg. No. 30,674  
Scott D. Wofsy, Reg. No. 35,413  
Eric Parham, Reg. No. 45,747  
Eric Grondahl, Reg. No. P-46,741

of the firm of CUMMINGS & LOCKWOOD, whose address is Four Stamford Plaza, P.O. Box 120, Stamford, Connecticut 06904-0120, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all written correspondence to the following address:

CUMMINGS & LOCKWOOD

Att: Anita Lomartra

P.O. Box 1960

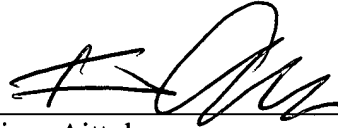
New Haven, CT 06509-9958

Telephone Calls should be directed to George N. Chaclas by dialing (203) 351-4103.

Wherefor I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Respectfully submitted,

Dated: 09/21/00



Timo Aittola  
Chief Financial Officer  
Mirror Image Internet Inc.  
49 Dragon Court  
Woburn, Massachusetts 01801

.StmLib1:825798.1 07/19/00